

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

COREY L. HARRIS,	) C.A. 04-281E
CH'S SERVICE PROVIDER AND)
CHILDREN, COREY HARRIS, JR. and)
BROOKLYNN HARRIS and ANGEL	) JUDGE SEAN J. MCLAUGHLIN/
HARRIS,	) MAGISTRATE JUDGE SUSAN PARADISE
Plaintiffs,	) BAXTER
)
vs.	) ELECTRONICALLY FILED PLEADING
)
GREAT ERIE COMMUNITY ACTION	) MOTION TO DISMISS FILED ON BEHALF
COMMITTEE and (GECAC)	) OF PENNSYLVANIA CAREER LINK
EMPLOYMENT TRAINING AND	) WORKFORCE
EDUCATION DIVISION WORKFORCE)
2001 and PENNSYLVANIA CAREER	) Filed on behalf of: Pennsylvania Career Link
LINK WORKFORCE and ERIE COUNTY	) Workforce
ECONOMIC DEVELOPMENT and)
PLANNING, ERIE COUNTY	) Counsel of record for this party:
ASSISTANCE OFFICE and S.P. BLACK) Tracey D. Bowes, Esq.
& ASSOCIATES,) Knox McLaughlin Gornall
Defendants) & Sennett, P.C.
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**MOTION TO DISMISS FILED ON BEHALF OF PENNSYLVANIA CAREER LINK
WORKFORCE**

AND NOW comes defendant, Pennsylvania Career Link Workforce ("Career Link")¹,
and files the within Motion to Dismiss, stating as support as follows:

1. The plaintiffs, "Corey L. Harris, Owner CH's Service Provider and Children,
Corey Harris, Jr. and Brooklyn Harris and Angel Harris" (hereinafter "Mr. Harris") filed a

¹ In a recent motion, Mr. Harris seems to indicate a wish to amend the name of this defendant from "Pennsylvania Career Link Workforce" to "Team Pa. Careerlink". This slight change does not change the arguments made herein, nor in the supporting brief.

complaint alleging that grants were wrongfully withheld from Mr. Harris for a program that he initiated.

2. Mr. Harris alleges violations of the Fair Labor Standards Act, the Labor Management Relations Act, the Labor Management Reporting and Disclosure Act, the "Fair Assistant Act/150% Poverty Level", the "Corporation Act" and the "Unfair Welfare Act".

3. First, Career Link, however it is called, is not an entity that has any legal identity and does not have the capacity to sue or be sued, nor is it alleged that Career Link is an entity amenable to suit.

4. Second, it is believed that there are no such acts as the "Fair Assistant Act/150% Poverty Level", the "Corporation Act" or the "Unfair Welfare Act".

5. As to the remaining acts, Mr. Harris does not provide sufficient notice of what actions were taken by Career Link that violated any particular section of those acts.

6. Moreover, the remaining acts all deal exclusively with employer-employee relations, and because Mr. Harris is not and was not ever an employee of Career Link, these acts are inapplicable.

7. As to any alleged civil rights violations, Mr. Harris does not advise what those rights are and does not allege that Career Link is a state actor.

8. Therefore, Mr. Harris' complaint against Career Link should be dismissed.

WHEREFORE, for the above reasons and for those set forth in the accompanying brief, Pennsylvania Career Link Workforce respectfully requests that this Honorable Court dismiss the plaintiff's complaint as against Pennsylvania Career Link Workforce.

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

By: s/ Tracey D. Bowes

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Pennsylvania Career Link Workforce

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FOR THE WESTERN DISTRICT OF PENNSYLVANIA

COREY L. HARRIS,)	
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Plaintiff,)	
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vs.)	
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GREAT ERIE COMMUNITY ACTION,)	C.A. 04-281E
et al,)	
)	
Defendants)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 25th day of August, 2005, a copy of the within document was served on all counsel of record and unrepresented parties in accordance with the applicable rules of court.

s/ Tracey D. Bowes
Tracey D. Bowes

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